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AIR NEW ZEALAND

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Dockets  
Docket No. FAA-1998-4758 - 39  
400 Seventh Street, SW,  
Room Plaza 40 1  
Washington DC 20590  
UNITED STATES

**14 CFR Part 129 Security Programs of Foreign Air Carriers;  
Proposed Rule Docket No. FAA 1998-4758**

**Submission and Comments on NPRM Docket FAA-1998-4758-Part 129**

The attached document is Air New Zealand's response to the United States Federal Aviation Administration's Notice of Proposed Rule Making on Security Programmes of Foreign Air Carriers Docket No. FAA 1998-4758.

Air New Zealand appreciates the opportunity to submit comments on the Notice of Proposed Rule Making.

Yours faithfully,

J.W. Brown

Manager Group Safety & Security.

## SECURITY PROGRAMMES OF FOREIGN AIR CARRIERS

Docket No FAA-1998-4758

### Notice of Proposed Rule Making

Air New Zealand Limited submits the following comments in relation to the above docket and Notice of Proposed Rule Making in relation to what is commonly known as the Hatch Amendment to the Anti-terrorism and Effective Death Penalty Act of 1996, whereby foreign air carriers would be required to implement *Identical* security measures to those of US carriers on parallel routes to and from the United States.

Where there is no U.S. carrier operating in parallel on a specific route then such identical measures are not required. In Air New Zealand's case such a route is the Auckland to Honolulu route. No U.S. carrier operates on this route. This situation lends credibility to the view that the Amendment is commercially and not security driven, and encourages the conclusion that NPRM is designed to selectively provide additional security costs to foreign air carriers, rather than to enhance security.

This conclusion is further reinforced because if adopted, the proposed rule also will apply to code share arrangements so long as a U.S. carrier directly operates to that foreign airport which is the last point of departure to the United States. However a U.S. carrier operating solely as the marketing carrier to and from a foreign point will not trigger application to the proposed security measures. Therefore some "U.S." carrier flights will not even be covered by this law, but non-U.S. carriers are.

This amendment is in effect a "scatter gun" effort to ensure a single U.S. determined level of security for foreign air carriers operating some routes to/from the United States but does not address the unique security requirements of individual carriers or states. Rather than enhancing security it will have the opposite effect, by diverting tailored security responses to possibly irrelevant security measures. Security threats to carriers and or states should be assessed on the basis of the intelligence received and then specific security procedures put into place. A prime example of international co-operation of this type was the ultimate security measures implemented co-operatively to counter the Ramsi Youssef threat in 1995.

Air New Zealand fully supports and endorses the comments submitted by The New Zealand Civil Aviation Authority and the Association of Asia Pacific Airlines, of which Air New Zealand is a member.